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EXAMINER

CHEN, ALAN S

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,631	HAINES, ROBERT E.	
	Examiner Alan S. Chen	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 March 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) 30-36 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-29 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1,2 and 3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/13/2005 have been fully considered but they are not persuasive. Applicant argues the lack of a *prima facie* case for 103, based on reason such as hindsight, references not teaching all elements and lack of motivation to combine. Examiner does not agree, the references clearly indicate analogous art that are readily combinable as explained below.
2. Per claims 1, 8, 15 and 21, applicant mainly claims two limitations, activating a hot link and configuring a hard copy output engine using the hot link. First, there appears to be agreement between the applicant and Examiner that the hard copy output engine is what Groezinger describes as the medical imager 30, since no objections with regard to this was cited by the applicant. The contention appears to be the use of the hot link for configuration purposes of the medical imager. "Hot link", under the broadest reasonable interpretation of the claim language is simply an address used by user to connect to another device in order to change something. Per definition of *hot link* from www.webopedia.com (attached): "a link between two applications such that changes in one affects the other...". Thus, by definition, hot link is used by Groezinger. Groezinger discloses connecting to an imager 30 via a client 40, in order to configure 30 (Col. 4, lines 45-60 excerpt, "... a service technician can configure medical imager 30 by accessing medical imager 30 from client machine 40..."). This is further elucidated below.

The reference to Groezinger cites undeniable facts for the use of hot links. First, Examiner wishes to elaborate on how Groezinger indeed uses/activates a link and will then detail how changes on the client side 40 affects the imager size 30. As stated in the original office action (pg. 4 and 5), Groezinger specifically cites accessing a web server 38 which intrinsically *requires* an address (e.g., the hot link) executed by the client machine (40) (Groeziinger does not limit how the hot link is activated, only citing using TCP/IP which allows user to interface at the application layer of the OSI model, e.g., using a browser, or the File Transfer Protocol (FTP) to directly connect by using an IP address, Column 4, lines 61-65). Groezinger indicates getting access to the web server in Col. 4, lines 65-67, "...Upon accessing medical imager 30 from the client modality, the service technician commands web server...", requiring the activation of an IP address, the hot link of Groezinger. The TCP/IP protocol requires the use of links, e.g., establishing connections via use of IP addresses. This protocol requires the client and the server to have an IP address which are then used in datagrams that are the units of communications between the two machines communicating using TCP/IP. To spare the details into the TCP/IP protocol suite, which are well known to those of ordinary skill in the art, pages 52-59 of Communication Networks Fundamental Concepts and Key Architectures have been attached to this action. Note specifically, page 55, under the section title IP Address and Physical Addresses, Fig. 2.15a on page 56 showing a server to client workstation connection setup, and Fig. 2.17 which shows datagram formats requiring IP addresses. Therefore, it is without a doubt, Groezinger activates a hot link for connection to the web server at minimum by specifying an IP address, whether it is an FTP command, e.g., *ftp <address>*, or via a web link through a browser. The configuration aspect is addressed in the ensuing paragraph. Also note that the

secondary references to Ely and Venkatraman directly teach the use of an URL to access the web server, which is simply another form that hot links can be represented, fundamentally being an address to connect and access another device to initiate change. Ely and Venkatraman depict how a form of hot link can be used to connect to a web server for configuration, something that can be readily implemented on Groezinger since both the client and imager side (web server) side use TCP/IP and use a hypertext system to read and modify HTML (Column 4, lines 65- Column 5, lines 5=>web server generates HTML; Column 5, lines 20-40=> client machine manipulates HTML data, specifically image pixel information).

Groezinger explicitly discloses configuring the imager 30 (Column 4, lines 45-60) via a client machine, which was established above as using a hot link in the general form of an IP address. The question remains whether configuring of the imager encompasses the change on one side (e.g., the client) affecting another (e.g., imager) as per the definition of hot link and also what is claimed. Examiner believes there is clear evidence in Groezinger that it configuring the imager is accomplished by activation of the hot link. Claim 1 only requires a causal relationship between activation of the hot link and configuration of the imager. Again, Groezinger recites just that in Column 4, lines 47-50: "...a service technician can configure medical imager 30 by accessing medical imager from client machine 40" followed by Column 4, lines 60-65, "...client machine 40 is a computer configured for executing suitable communications protocols, such as the TCP/IP and FTP, over communications link 48...the service technician commands web server 38 of medical imager to generate an HTML document...". It is clear that the hot link, in the form of an address generated on the client side activates connection to the imager and sends commands to configure to imager to generate an HTML document. This alone reads on the broad claim, claim 1 and the various other forms of claim 1. To get into even more detail on the configuration process, Column 5, lines 20-40 indicates the client machine manipulates the pixel data of the HTML document generated by web server, e.g., by applying various conversion mechanisms. Thus the HTML document that was part of the hard copy output engine, the HTML document actually being generated by the hard copy output engine itself, is actually manipulated by the client machine. This fact alone, also can be construed to read on claim 1, where the client configures the hard copy output engine. While the Examiner mentions lack of teaching of the use of a hot link to configure the imager on page 5 of the first office action (also

as pointed out on page 12 second paragraph of applicant remarks), this was originally interpreted to mean the hot link in the form of a web link on the client side, which indeed is not disclosed by Groezinger since he leaves it open ended, just as long as the client machine establishes a connection and can issue commands. The ability to have the hot link implements as a form of a web link is easily extended by the teachings of Ely and Venkatraman, as explained below

3. Groezinger established using TCP/IP, FTP, or some form of internet protocol to communicate between client and imager. He also indicates the existence of hypertext interfaces on both the client and imager side (client manipulating the HTML documents and the imager having a web server, generating HTML, etc). Clearly that is enough motivation to use perhaps the most well-known and easiest way to access another machine on a network over the TCP/IP protocol, that is, via a simple web link that one can click. Venkatraman clearly shows analogous art, configuring a printer over a network, having an embedded web server like the imager, where an URL is associated with the printer to identify it for others to access over a network (Fig. 1a and Fig. 2) who teaches an embedded web server 14 to be configurable by another device on the network. Ely simply further confirms web links/URLs are clearly a subset of what hot links encompass. Examiner does not agree with applicant that there is lack of motivation to combine. Simply put, a Groezinger has a web browser on the client side and a web server on the server/imager side, Groezinger needs to access the imager via TCP/IP or some form of internet protocol. A web link on the web browser on the client side is obviously the simplest way to access the imager, shown by Venkatraman and Ely, whom have a similar hardware configuration to Groezinger.

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4. Per claim 2 and associated dependent claims, applicant appears to have two main contentions, one that there is no motivation to modify Groezinger to utilize thresholds since the client machine is already configured to make the determination when service is appropriate (page 14, fourth paragraph) and two, there is no need to modify Groezinger to determine a make and model using a hot link.

Examiner does not agree. First, applicant appears to argue that there is no need determine user threshold during configuration since, it is already done by Groezinger as an outside process. Column 5, lines 40-50 indicate the need to renew supplies, based on the usage statistics generated by the medical imager. Service technicians, especially at a remote site (Column 4, lines 48-60) would undoubtly like to know when to replenish supplies. When access to the imager is achieved, all the possible maintenance info should be attained by the service technician in order for the imager to up and running for the users. It is obvious during client connection to the web server, the service technician will be aware of any and all necessary maintenance. As for the determining the make and model, identification of the imager is very important whether it is true or not Groezinger teaches attaching to a plurality of imagers. Groezinger expressly recites the medical imager can have a plurality of medical modalities and each having may be different type (Column 6, lines 5-15), e.g., magnetic resonance, computed tomography, digital radiography or ultrasound. It seems evident the need to distinguish these types, such as through make and model of the machine for purpose of maintenance by the service technician.

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5. Per claim 3 and associated claims, applicant argues no motivation as well as failure to have the second limitation of claim 3, particularly regarding the sending of the second message in response to the first message where applicant believes there is only one message sent in response to a detected condition (page 15, third paragraph)

Examiner does not agree. It is established that Groezinger has the ability for a service technician to remotely access the imager. Groezinger also monitors for when service is need or supplies need to be replenished. Supplies must be ordered and the simplest way is via the network, especially the network that the service technician is monitoring from. Danknick discloses two messages being sent (Fig. 20, S2004 and S2007). Column 17, lines 5-30 disclose that the first message is what is shown in Fig. 19 in the form of an HTML file, while the second message is an email sent to the network administrator in response to getting the first message.

As essentially stated by Danknick, the embodiments of this process should not be read in a vacuum (Column 17, lines 38-45). It is clear the network administrator or whoever receives the email message will fix the problem. As intended, the HTML file generated in the first message has all the information regarding the problem including the hotlink (Fig. 19). Clearly the network administrator will see this upon receipt of the email message, whether the HTML file is included in the email message for the sake of convenience, otherwise by the immediate reference to the HTML file by the administrator. The end result will be the same, the second message will have a connection to the HTML file so that it is immediately referenced.

6. Examiner cites the above arguments to apply to the remaining claims. The rejection submitted 12/22/2004 is maintained and reiterated below.

Election/Restrictions

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7. Inventions 1-29 and 30-36 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the independent claims in claims 1-29 only deal broadly at a functional level, with the configuration of a hard copy output engine via a hot link. The subcombination has separate utility, e.g., structurally realization of the configuration of a hard image forming system, using specific devices to implement the hot link configuration of the hard image forming system.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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9. Newly submitted claims 30-36 are directed to an invention that is distinct from the invention originally claimed for the following reasons given in item 7 of this office action.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 30-36 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Terminal Disclaimer

10. The terminal disclaimer filed on 03/24/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 09/976,642 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1,6,8,13,15,19,21,26,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groezinger in view of Venkatraman et al. (Venkatraman) and Ely et al. (Ely). Groezinger teaches network configuration of a hard copy output engine in the form of the medical imager 30 such as a continuous tone laser imager and imaging element 50 to include a processing station for chemical processing or photothermographic processing. See column 3, lines 63+ and configuration of the imager 30 via the client 40 over a TCP/IP link 48, noting the use of an embedded web server 38. See also column 6, lines 55+ wherein the technician is able to access the internal web server of the imager 130 in order to configure each imager 130. What is lacking is express teaching of the use of a hot link to configure the imager. Venkatraman teaches the use of an embedded web server 14 to allow a device to be configured via the various network configurations shown in the Figures. The device is shown to be a printer per column 4. It is specifically stated at column 3, lines 17-26 that each device has a URL. Configuration of the printer is permitted via the information of Figure 3, as configuration involves any of the data displayed in Figure 3. Thus, what is taught, is that an embedded web server device is reached via a URL accessed by a client. Ely teaches the use of a “hot link” to reach a URL per column 2, lines 9+. Thus per column 1, lines 66+, when one activates a “hot link”, the client browser obtains the web page associated with the URL of the “hot link”.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the teachings of Groezinger per Venkatraman and Ely for the express purpose of being able to carry out the configuration of the imager via the client on a TCP/IP via a URL associated with a hot link that is activated by the user to access the associated embedded web browser. As the combined teachings are computer based, an article of manufacture of the computer useable medium, a computer implemented control system, and a computer instruction signal are also rendered obvious.

Per claim 28 and 29, Groezinger combined with Venkatraman and Ely disclose claim 1, wherein Groezinger further discloses the hard copy output engine configured to form termal images, ablation images, dye, images, ink jet images, etc. (Column 4, lines 30-40) intrinsically onto a paper type media (also see Abstract, middle of the paragraph, "...display the images in a manner that accurately represents their printed output by the imager").

14. Claims 2,3,5,7,9,12,14,16,17,20,22,25,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groezinger in view of Venkatraman et al. (Venkatraman) and Ely et al. (Ely) as applied to claims 1,6,8,13,15,19 and 21,26 above, and further in view of Danknick et al. (Danknick).

Groezinger in view of Venkatraman et al. (Venkatraman) and Ely et al. (Ely) lack the determining of thresholds and sending of electronic messages.

Danknick teaches the use of remote servicing and maintenance per column 13+, wherein the technician access the copier by entering the address of the copier into the web browser, with automatic service requests generated per column 16+ and determined by a threshold of pages printed, wherein such is an example of a consumables threshold being exceeded. Then an automatic electronic message is sent to the vendor associated location workstation 1, with then an e-mail sent to workstation 9 to advise of the service request. See for example the web page 19 which is generated in this process, with a hot link of the printer included at 202. This is a part of an overall downloading of the web pages described above (i.e. Figure 19). During the process of Figure 20. Note embedded server 64 which allows external workstations to access the NIB. Per Figure 16, make and model of the device are determined in conjunction with the servicing and thresholds. A serial number is seen in the MAC address of Figure 10.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify Groezinger in view of Venkatraman et al. (Venkatraman) and Ely et al. (Ely) per the teachings of Danknick so as to allow for the ability to perform remote and automated threshold servicing based upon the make and model of the network device. Note also that Venkatraman teaches the use of additional web pages in Figure 3 to allow for the servicing or ordering of supplies or parts lists for the associated and identified printer, to include the printer name, which is thus downloaded from the printer server, thereby helping to determine the make and model (from a printer name) downloaded from the embedded web server in the printer itself. As pointed out above, the combined teachings are computer based, an article of manufacture of the computer useable medium, a computer implemented control system, and a computer instruction signal are also rendered obvious.

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15. Claims 4,10,11,18,23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groezinger in view of Venkatraman et al. (Venkatraman) and Ely et al. (Ely) and further in view of Danknick et al. (Danknick) as applied to claims 1-3,5-9, 12-17,22,25-27 above, and further in view of Motoyama.

The combined teachings of Groezinger, Venkatraman, Ely and Danknick fail to teach the transmission across a firewall.

Motoyama in the same field of network device communications, shows that firewalls 14,50 are in networks and that electronic messages will cross these firewalls when network devices are in communication. The purposes of the firewalls [0014] is to allow only authorized computers to access the network, noting that network devices include the printers 32 and 26. Thus communications between computers and printers will cross the firewalls where appropriate (i.e. 56-32).

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the teachings of Groezinger, Venkatraman, Ely and Danknick per the teachings of Motoyama for the express purpose of providing firewalls on parts of the network to only allow authorized computers to access the network. Thus the overall network of the combined teachings includes firewalls where appropriate, and thus communications between the printers and workstations will cross the firewalls as seen in Motoyama. As pointed out above, the combined teachings are computer based, an article of manufacture of the computer useable medium, a computer implemented control system, and a computer instruction signal are also rendered obvious.

Conclusion

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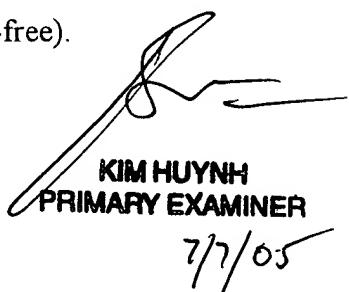
16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KIM HUYNH
PRIMARY EXAMINER
7/7/05